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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,381	02/01/2002	Donald A. Collins JR.	10432.00	2402
26884	7590	04/30/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			KIM, AHSHIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/061,381

Applicant(s)

COLLINS ET AL.

Examiner

Ahshik Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed on December 8, 2003, which has been
5 entered. In the amendment claims 1, 7 and 12 were amended. Currently, claims 1-14 remain for
examination.

Finality Withdrawn

2. The file wrapper was marked for a considerable time period during which Applicant filed
10 the amendment after final. Since the final was mailed on October 23, 2003, any Office Action
other than non-final in response to the amendment after final would unduly deprive Applicant of
the opportunity to respond (provided that Applicant were to continue prosecuting the application)
within statutory time period. In view of the above, this Office Action is made non-final.

Claim Rejections - 35 USC § 103

- 15 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the
25 claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 5 5. Claims 1, 2, 5-8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285, "Baitz" hereinafter) in view of Joseph (US 5,635,906) and Canipe et al. (US 6,281,796, "Canipe" hereinafter).

Re claims 1, 2, 5, 7, and 12, Baitz teaches a checkout device 100 or 100' (fig. 1) for both self-service or assisted checkout (col. 1, lines 14+) wherein the base station 100 further
10 comprises a bottom plate (or a base portion), a weighing plate 104 (col. 3, lines 56), an aperture 32 within the weighing plate through which a barcode reader scans item to be processed.

Baitz fails to specifically teach or fairly suggest that a security deactivation system is installed between the base portion and the weigh plate.

Joseph teaches a checkout system 40 (col. 2, lines 52+) comprising a barcode scanner 14,
15 a scale 16, and tag/label deactivating plate 42 (col. 3, lines 66+). The system allows the deactivating pads can be installed underneath the weighing plate (col. 3, lines 23-26; col. 7, lines 60+). As further shown (col. 6, lines 26+), deactivation of security tags occurs after the label has been scanned as recited in claims 2, 4 and 5. Although Joseph may not use term "interlock:" as claimed in 5, the component parts (scanner, scale, and deactivator) are securely connected, and
20 the application ensures that deactivation takes place after scanning of item is completed.

In view of Joseph's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to further incorporate well-known security system to the

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5 teachings of Baitz in order to create a compact checkout device. By incorporating scale subsystem, scanning subsystem and security deactivation subsystem in one housing, the physical dimension of checkout device is considerably reduced. Such system can readily be installed in self-service checkout terminal in retail environment. By combining the component subsystems, clerk/consumer can place the items to be purchased onto a scanning plate rather than going through three separate steps (weighing, scanning, and deactivating), reducing physical labor and speeding up checkout process.

Baitz/Joseph, however, fail to teach or fairly suggest that a security label is deactivated after the barcode is read by the barcode reader.

10 Canipe discloses a POS reader/scanner system (see figures 2-4) further comprising an EAS tag deactivator (see abstract; see figure 1). Canipe further discloses that an EAS tag deactivator is triggered after the barcode has been successfully read (see abstract; col. 1, lines 47+).

15 In view of Canipe's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to ensure that deactivation occurs only after the item has been successfully scanned to avoid/reduce loss resulting from theft or other unauthorized removal. Although Baitz/Joseph disclosed a checkout device whose structure comprised of scanner, scale and EAS tag deactivation plate, Baitz/Joseph did not explicitly suggest that the three tasks are performed in one step process. Canipe cures the deficiency of Baitz/Joseph. It is the Examiner's view that such modification would have been obvious to one ordinary skill in the art.

6. Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285) as modified by Joseph (US 5,635,906) and Canipe et al. (US

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6,281,796) as applied to claim 1 above, and further in view of Kane et al. (US 6,154,135). The teachings of Baitz et al. as modified by Joseph and Canipe have been discussed above.

Although Joseph discloses that the security tag and deactivating machine is electromagnetic in nature (col. 1, lines 26+), Baitz as modified by Joseph and Canipe fail to specifically teach or fairly suggest that deactivation system includes magnetic coil assembly.

Kane et al. teaches a point-of-sale (POS) checkout system wherein electromagnetic tag is deactivated by the deactivation devices including coils (col. 1, lines 42+).

Deactivating tags can be achieved utilizing various technologies such as radio frequency (RF) or electromagnetic field. One can choose an either embodiment to suit his/her own particular needs and constraints. In case of selecting electromagnetic field as disclosed in Joseph (col. 1, lines 26+), the activation/deactivation device almost certainly includes coils to generate electromagnetic force as shown by Kane.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285) as modified by Joseph (US 5,635,906) and Canipe et al. (US 6,281,796) as applied to claim 7 above, and further in view of Heptig et al. (US 5,377,269). The teachings of Baitz et al. as modified by Joseph and Canipe have been discussed above.

Baitz as modified by Joseph and Canipe fail to specifically teach or fairly suggest of utilizing Y-shaped connector.

Heptig et al. teaches a system for controlling access to a computer wherein Y-shaped cable comprising two cables 62 and 44 and a connector 18 and 44 is used to receive and transmit data to printer³⁸ (see figures 1a and 1b).

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In view of Heptig's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known Y-shaped cable to the teachings of in order to redirect data or power to desired components. It is the Examiner's view that Y-shaped cable is an extremely well known article and widely used in many industries. For example, a PC system usually have one power cord for the main processor, and other components such as disk drives and CD-ROM drives obtains power from the main power source using flexible Y-shaped cables. Although Heptig's embodiment may not be a scanner or POS checkout system, such cable can be used in any data-processing environment wherein re-directing of data or power is desired. Accordingly, one of ordinary skill in the art would be motivated to use well-known Y-shaped cable if desired.

Response to Arguments

8. Amended claims and remarks filed on December 8, 2003 have been carefully considered.

In view of the amended claims, the Baitz patent and Joseph paten have been reviewed. It

appears to the Examiner that Baitz in view of Joseph would still read on the deactivation device integrated within the checkout device. Figure 1 of Baritz shows various configurations, however, the Examiner would consider the figure 1 an "integrated checkout device".

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

10 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

15 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim
Patent Examiner
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April 27, 2004